IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1762/07

Nathu Lal Pareek **Versus** State

DATE OF ORDER :: 24/10/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Vinod Kumar Sharma, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed assailing order dt.17th March, 2007 whereby because of non-appearance of petitioner, his bail bonds were forfeited and arrest warrant has been issued by learned trial Judge and the proceedings have been initiated against him u/s.446 Cr.P.C.

Counsel for petitioner submits that trial is at the final stage and almost on all occasions, he appeared, but for some reason, he could not appear on the said date - on account of which learned trial Judge has forfeited his bail bonds and issued arrest warrant and accused-petitioner is above 65 yrs. of age. In the facts of instant case, forfeiting his bail bonds were not justified.

Accordingly, the order dated 17th March, 2007 stands set aside and the accused-petitioner is directed to appear before learned trial Judge on 1st November, 2007 and learned trial Judge on

furnishing fresh bail bonds, may pass necessary orders. If in future any default is committed by him, learned Judge will be free to proceed against him in accordance with law.

With the above observations, the misc. petition stands disposed of.

[AJAY RASTOGI],J.